

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

GRACE, *et al.*,

Plaintiffs,

v.

MATTHEW G. WHITAKER, in his
Official Capacity as Acting Attorney
General of the United States, *et al.*,

Defendants.

Civil Action No. 1:18-cv-01853-EGS

DEFENDANTS' STATUS UPDATE

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Dated: January 18, 2019

Attorneys for Defendants

DEFENDANTS' STATUS UPDATE

Defendants respectfully submit this Status Update in accordance with their representations in the Status Update filed with the Court on January 11, 2019. ECF No. 113.

Since the January 11, 2019 update, counsel for Defendants have continued to confer with counsel for Plaintiffs by phone and email to work out the logistics of returning the removed Plaintiffs to the United States. There are two remaining issues.

First, due to the lapse in appropriations, the normal process for paying departure and passport fees has become complicated. The Department of Homeland Security ("DHS") has been investigating various means of addressing the issue, and counsel for Defendants discussed the potential options with counsel for Plaintiffs. This morning DHS informed Defendants' counsel of a means for taking care of the departure fees that would allow the Plaintiffs from El Salvador to travel to the United States next week, and that process has been communicated to Plaintiffs' counsel.

Second, as discussed in the January 11, 2019 Status Update, the parties do not agree on the process that will be applied to the Plaintiffs once they are returned to U.S. soil. *See* ECF No. 113. Defendants maintain that the Court's order to provide Plaintiffs with new credible fear interviews envisions utilizing the status quo credible fear screening and detention regime (to be conducted without regard to the enjoined aspects of *Matter of A-B-* and the Policy Memo), and does not require a unique process whereby Plaintiffs would be released prior to the conduct of a credible fear screening other than in accordance with the established procedures for release from custody.

Defendants' counsel continue to work with Plaintiffs' counsel to facilitate return and will provide an additional status update to the Court regarding those efforts by Friday, January 25, 2019.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on January 18, 2019, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the District of Columbia by using the CM/ECF system. Counsel in the case are registered CM/ECF users and service will be accomplished by the CM/ECF system.

By: /s/ Christina P. Greer
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